Exhibit 1

Disputed Terms

Term	*Plaintiffs*	*Defendants*
1. **decontaminated manure** '179: 20 '994: 1, 4, 23 '224: 12, 14	Manure that has been treated to reduces the viable plate count of aerobic and facultative bacteria in the manure to below ten million cfu/gram but is not sterilized. Manure is sterilized if it contains no living microorganisms that can be detected in terms of "total aerobic/facultative viable plate count."	Manure that has been treated to reduce the density of live microbes by a factor of at least 2 logs (100 times), but has not been completely sterilized. *Further claim construction is required if the manure is derived from broiler chicken litter*. If the manure is derived from broiler chickens, the manure must be treated to be free from straw or other forms of litter or bedding.
2. **raw manure** '994: 1, 23	The manure that is treated to make the "decontaminated manure" in the fertilizer composition, before such manure undergoes treatment to reduce its "total aerobic/facultative viable plate count."	Raw manure is fresh manure that has not been decontaminated. Raw manure can have between 1-10 billion live microbes per gram.
3. **wherein the decontaminated manure has a total aerobic/ facultative viable plate count reduced by 2-4 logs (100 to 10,000 times) compared to raw manure** '994: 1, 23	The "decontaminated manure" in the fertilizer composition has a "total aerobic/facultative viable plate count" that is 2-4 logs less than the "total aerobic/facultative viable plate count" of the "raw manure" used to form the "decontaminated manure."	Defendants accept the Plaintiffs' proposed construction of this term.

Term	*Plaintiffs*	*Defendants*
4. **total aerobic/ facultative viable plate count** '994: 1, 23	A measurement, expressed in cfu/gram, resulting from counting the total number of colony forming units of both aerobic bacteria and facultative bacteria that have grown on a medium of tryptic soy agar after about 3 days (72 hours) of incubation at 32 C.	This is part of term 3 above and should be construed consistently with term 3. Defendants agree with the definition of "plate count" as being a measurement of colony forming units per gram of fertilizer, but the specific procedure for measurement should not be part of the claim construction. Other growth medium and incubation times and temperatures can produce the same result in plate count, and other evidence can be used to prove the degree of reduction.
5. **decontaminated manure and Bacillus spores wherein the decontaminated manure has a total aerobic/facultative viable plate count reduced by 2-4 logs (100 to 10,000 times) compared to raw manure** '994: 1	No construction is required. In the alternative, this term means "decontaminated manure" and "Bacillus spores," present in a fertilizer composition, "wherein the decontaminated manure" in the fertilizer composition has a "total aerobic/facultative viable plate count" that is 2-4 logs less than the "total aerobic/facultative viable plate count" of the "raw manure" used to form the "decontaminated manure"	Defendants accept Plaintiffs' contention that no further construction is required in that the manure terms will be construed in accordance with the preceding contentions and "Bacillus spores" will be construed in accordance with the next section.
6. ***Bacillus* spores** '179: 20 '994: 1, 4, 7, 23, 27 '224: 12, 14	The *Bacillus* bacteria present in the fertilizer composition are predominantly in spore form and not vegetative form.	The bacteria of the *Bacillus* genus which are in "spore" form, which is a common shortened form of the term "endospore".
7. **present in sufficient**	The "*Bacillus* spores" in a dry fertilizer composition are present in	This limitation applies to the concentration of the *Bacillus* spores

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concentration to effect a viable spore count of between 10^6 cfu to 10^9 cfu per gram of dry composition '179: 1 '994: 14, 23	an amount such that measurement according to the spore count procedure in the patent results in a viable spore count between 10^6 and 10^9 colony forming units (cfu) per gram of the dry fertilizer composition. The spore count procedure in the patent includes adding distilled water to a sample of the dry fertilizer composition, heating a sample of the dry fertilizer composition for 10 minutes at 80° C to kill non-spore forming bacteria and then incubating the sample aerobically for 48 hours to recover only *Bacillus* spores. *Bacillus* spore counts are a measurement resulting from counting the total number of colony forming units of the *Bacillus* bacteria that have grown on a medium of tryptic soy agar after about 3 days (72 hours) of incubation at 32º C. The resulting spore count (in cfu's) is then divided by the weight (in grams) of the original fertilizer sample.	when the fertilizer is a dry composition. The fertilizer must include enough spores that are capable of germinating back into *Bacillus* bacteria to create between 10^6 to 10^9 colony forming units per gram of fertilizer. A colony forming unit is a live reproducing bacteria.
8. ***Bacillus laterosporus* (ATCC PTA-3593)**	*Bacillus* bacteria of the species *laterosporus*, as exemplified by the strain deposited with the American Type Culture Collection with the identification number PTA-3593.	When a particular strain is named in the claims, such as *Bacillus laterosporus* (ATCC PTA-3593), it means that particular strain and not other strains of the same species.
9. ***Bacillus laterosporus* (ATCC PTA-3952)**	*Bacillus* bacteria of the species *laterosporus*, as exemplified by the strain deposited with the American Type Culture Collection with the identification number PTA-3592.	When a particular strain is named in the claims, such as *Bacillus laterosporus* (ATCC PTA-3952), it means that particular strain and no other strains of the same species.

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10. ***Bacillus licheniformis* (ATCC PTA-6175)**	*Bacillus* bacteria of the species *licheniformis*, as exemplified by the strain deposited with the American Type Culture Collection with the identification number PTA-6175.	When a particular strain is named in the claims, such as *Bacillus licheniformis* (ATCC PTA-6175), it means that particular strain and not other strains of the same species.
11. ***Bacillus subtilis* (ATCC PTA-6174)**	*Bacillus* bacteria of the species *subtilis*, as exemplified by the strain deposited with the American Type Culture Collection with the identification number PTA-6174.	When a particular strain is named in the claims, such as *Bacillus subtilis* (ATCC PTA-6174), it means that particular strain and not other strains of the same species.
12. **humic acid** '179: 20 '994: 2, 4, 23	A mixture of polymers containing aromatic and heterocyclic structures, carboxyl groups, and nitrogen. Humic acid typically contains the brownish-black pigment melanin, and can be obtained from lignite. It is soluble in bases, but insoluble in mineral acids and alcohols. The term "humic acid" also includes humates, which are humic acid salts. The term "humic acid" does not include humus.	Humic acid is an acid that is naturally produced during the decomposition of organic matter. It is commonly used to promote plant growth.
13. **additive** '994: 3, 4	Something that has been added to the manure to form the fertilizer.	No construction is needed.
14. **probiotic *Bacillus* bacteria** '179: 20 '994: 7, 27	This term means *Bacillus* bacteria that are capable of benefitting a plant when introduced to the soil close to the plant.	*Bacillus* bacteria that increase yield or reduce nitrogen requirements of agricultural plants.

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15. **probiotic *Bacillus* bacteria capable of enhancing beneficial microbial populations within a rhizosphere of a plant** '994: 7	This term means "probiotic *Bacillus* bacteria" (defined) that are capable of promoting growth and reproduction of microorganisms within the "rhizosphere" of a plant, such that the microorganisms benefit the plant.	Agree to the extent that the definition is different from claim term 14 "probiotic *Bacillus* bacteria.
17. **probiotic *Bacillus* bacteria capable of enhancing beneficial microbial populations within a rhizosphere of a plant** '994: 27	This term means "probiotic *Bacillus* bacteria" (defined) that are capable of promoting the growth and reproduction of microorganisms with the "rhizosphere" of a plant, such that the microbial organisms benefit the plant.	Agree to the extent that the definition is different from claim term 14 "probiotic *Bacillus* bacteria.
19. **complete fertilizer** '179: 21 '994: 24	A fertilizer composition that has at least decontaminated manure, *Bacillus* spores and N-P-K compounds.	A fertilizer composition that has at least decontaminated manure, *Bacillus* spores, humic acid, and each of the N-P-K compounds.
20. **yield** '224: 12	The term "yield" means the amount of a plant product.	The amount of food crop harvested

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23. **a time sufficient to enhance yield of the plant while reducing nitrogen effect** ‘224: 12	This term means any amount of time that is enough to increase the “yield” of the plant while reducing the “nitrogen effect” of the fertilizer composition compared to the “nitrogen effect” of a non-fertilizer.	This term means any amount of time that is enough to increase the “yield” of the plant while reducing the “nitrogen effect” of the fertilizer composition.
24. **sufficient amount of a fertilizer composition** ‘224: 12	This term means any amount of a fertilizer composition that is enough to increase “yield” of the plant without significantly increasing the “nitrogen effect” of the fertilizer composition when compared to the nitrogen effect of a non-fertilizer.	This term means any amount of a fertilizer composition that is enough to increase “yield” of the plant without significantly increasing the “nitrogen effect” of the fertilizer composition.